

From: Kelly, Rose
Sent: Monday, January 31, 2011 5:24 PM
To: Bender, Judith M.
CC: Scouffas, Nicholas S., Sr.; Forti, Michael; Georges, Mara; Solomon, Benna
Subject: RE: Application for Federal Firearms License from Reid Joseph Franzese

Dear Ms. Bender:

Section 8-20-100 of the Municipal Code of Chicago prohibits the sale or transfer of firearms and ammunition, except under very limited conditions. Specifically, section 8-20-100 states as follows:

8-20-100 Permissible sales and transfers of firearms and ammunition.

- (a) Except as authorized by subsection (e) and section 2-84-075, no firearm may be sold, acquired or otherwise transferred within the city, except through inheritance of the firearm.
- (b) No ammunition may be sold or otherwise transferred within the city, except through a licensed weapons dealer, or as otherwise allowed by this code.
- (c) No firearm or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge or pawn.
- (d) No person may loan, borrow, give or rent to or from another person, any firearm or ammunition except in accordance with this chapter.
- (e) Notwithstanding any other provision of this section, a peace officer may sell or transfer any lawfully held firearm or ammunition to another peace officer in accordance with the other provisions of this chapter.

Therefore, no person would be issued a business license for the sale of firearms in the city. This is further supported by Chapter 4-144 of the Code, which licenses weapons dealers. Section 4-144-010 of the licensing chapter requires that any person who wishes to sell a deadly weapon (which, in the definition, includes a firearm) must first obtain a business license to do so. However, that same section also prohibits the licensee, as follows:

"It shall be unlawful for any person licensed under this chapter to engage in the business of selling, or sell, give away or otherwise transfer, any firearm as that term is defined in Section 8-20-010." Chgo. Muni Code, 4-144-010. (Emphasis added).

Pursuant to these two sections, the City would not issue a business license to anyone at any location in the city for the sale of firearms. The city is willing to send a represent to testify to this information.

If you need any further information, please do not hesitate to contact us.

M. Rose Kelly
Senior Counsel
Department of Law
City of Chicago
312 744-8698

From: Bender, Judith M. [Judith.M.Bender@usdoj.gov]
Sent: Monday, January 31, 2011 3:48 PM
To: Kelly, Rose
Cc: Scouffas, Nicholas S., Sr.
Subject: Application for Federal Firearms License from Reid Joseph Franzese

Hello, Ms. Kelly

My supervisor and I met with you at your office a few months ago regarding the firearms license application from Reid Joseph Franzese with a proposed business premises of 415 West Armitage, Chicago, Illinois. Since that time, we have limited contact with Mr. Franzese or his attorney.

As we stated in our meeting, we can hold off on the application process for a time, but not indefinitely. I spoke with Mr. Franzese this morning and he indicated that the City of Chicago has attempted on at least two occasions to have his case thrown out of court, with negative results. He expects a trial date to be set this week.

If this is in fact true, this is some progress, which is what we need to see to suspend the application process for a time. What we are asking of you and your office is whether or not you will deny a business license to operate a firearms shop to Mr. Franzese at ANY address within the City of Chicago; whether your office (representative) will testify at a hearing to this denial; and whether you can provide this information to us in writing

Due to the weather predictions, our office will most likely be sparsely staffed the next two days, but I can be reached on the below cell number and my supervisor, Nick Scouffas, can be reached on his cell number 630-688-6405. Thank you for your prompt reply.

Judy Bender
Industry Operations Investigator
Downers Grove III Field Office
Office: (630) 725-5332
FAX: (630) 725-5329
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Oh what a tangled web we weave, when first we practice to deceive!

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